THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11191 OF 1997

DATED: 28-02-2007

Between :

V. Harnath Babu .. Petitioner

And

1. The Mandal Revenue Officer, Tirupathi Urban Mandal, Tirupati, Chittoor District., and 3 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.11191 OF 1997

ORDER :

This writ petition is filed seeking a declaration that the alleged action of the 1st respondent - Mandal Revenue Officer, Tirupati Urban Mandal in threatening to dispossess the petitioner from the land in Sy.No.107/3, 112/1A and 113/1 of Akkarampalli Village, Tirupati Urban Mandal, Chittoor District without following due process of law as arbitrary and illegal.

This Court while directing Rule Nisi by order dated 27-5-1997 ordered that the 1st respondent shall not interfere with the possession of the petitioner in respect of the land in question. The said order continued to be in operation throughout.

From the counter-affidavit filed by the 1st respondent – Mandal Revenue Officer, it appears that there are certain disputes with regard to the title in respect of the land in question between the petitioner and one Sri A. Gangi Reddy. It is also stated in the counter-affidavit that the ryotwari patta granted in favour of the petitioner's father stood cancelled in terms of the Estates Abolition Tribunal, Chittoor in A.S.No.4/93 dated 27-7-1996. It is further stated that the rival claims in respect of the land in question is the subject-matter of the enquiry pending before the Settlement Officer, Chittoor under the provisions of Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act 26 of 1948 as directed by the Tribunal in A.S.No.1/1995.

Since admittedly the proceedings are pending before the Settlement Officer, Chittoor it is neither proper nor necessary for this

Court to express any opinion on merits.

In the circumstances, while leaving it open to the parties to work out their remedies in the proceedings before the 2nd respondent, the Writ Petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question without following due process of law. No costs.

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G. ROHINI, J.

Dt. 28-2-2007

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